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DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 06/18/2015

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

GENERAL MOTORS LLC IGNITION SWITCH LITIGATION

This Document Relates To All Actions
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14-MD-2543 (JMF)
14-MC-2543 (JMF)

ORDER NO. 59

JESSE M. FURMAN, United States District Judge:

On May 26, 2015, New GM filed a motion to dismiss, without prejudice, the claims of several personal injury and wrongful death plaintiffs who had failed to submit substantially complete plaintiff fact sheets (“PFSs”) as required by Order No. 25. (14-MD-2543 Docket No. 984). Pursuant to Order No. 25, those plaintiffs had fourteen days — that is, until June 9, 2015 — to file a response “either (a) certifying that the Plaintiff has submitted a completed Short-Form PFS” — including “documents requested in the Short-Form PFS, to the extent such documents are in Plaintiff’s possession, custody, or control” — or (b) opposing the MDL Defendants’ motion for other reasons.” (Order No. 25 (14-MD-2543 Docket No. 422) ¶¶ 16(d), 24). Order No. 25 further provides that “[i]f a Plaintiff certifies that he or she has submitted a completed Short-Form PFS, the Plaintiff’s claims shall **not be dismissed** (unless the Court finds that the certification is false or incorrect).” (*Id.* (emphasis added)).

Several Plaintiffs did file responses certifying that they had submitted substantially complete PFSs. (*See, e.g.*, 14-MD-2543 Docket Nos. 987, 989, 992). Accordingly, the Court directed New GM to file a reply to Plaintiffs’ oppositions, no later than June 16, 2015, with an updated list of Plaintiffs whose claims New GM still sought to dismiss (and a notation indicating if any of those plaintiffs opposed New GM’s motion). (Order No. 58 (14-MD-2543 Docket No. 1030)). On June 16, 2015, New GM filed its reply, indicating that it still seeks to dismiss the

claims of many Plaintiffs who have certified that they have submitted a substantially complete PFS. (14-MD-2543 Docket No. 1043). According to New GM, many of those Plaintiffs have not submitted substantially complete PFSs because of a failure to submit “requested documents” as required by Order No. 25. (*Id.*, Ex. A).

To enable the Court to resolve whether the relevant Plaintiff’s certifications are “false or incorrect,” thus warranting dismissal of their claims despite their certifications to the contrary, any Plaintiff who submitted an opposition to New GM’s motion to dismiss is granted leave to file a sur-reply, to be filed no later than **June 26, 2015**, responding to the alleged deficiencies in his or her PFS identified in New GM’s reply. Counsel for any such Plaintiff is directed to confer with counsel for New GM in advance of filing such a sur-reply, so that Plaintiff is aware of the specific documents he or she is allegedly missing and can respond accordingly. Plaintiffs are warned that a failure to file any sur-reply may, pursuant to Order No. 25, result in dismissal (without prejudice) of their claims without further notice.

SO ORDERED.

Dated: June 18, 2015
New York, New York



JESSE M. FURMAN
United States District Judge